

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TREY MITCHELL,	)	Civil Action No. 06-908
	)	
Plaintiff,	)	Judge Lancaster
	)	
v.	)	Magistrate Judge Lenihan
	)	
AN UNNAMED CITY OF PITTSBURGH	)	
POLICE OFFICER NO. 1, AN UNNAMED	)	
CITY OF PITTSBURGH POLICE	)	
OFFICER NO. 2, AN UNNAMED CITY	)	
OF PITTSBURGH POLICE OFFICER	)	
NO. 3, all acting in their official and	)	
individual capacities; ROBERT McNEILLY,	)	
Chief of Police of the City of Pittsburgh, in	)	
his official and individual capacity, and	)	
THE CITY OF PITTSBURGH, a Municipal	)	
Corporation,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Plaintiff's Complaint was received by the Clerk of Court on July 7, 2006 and was referred to United States Magistrate Judge Lisa Pupo Lenihan in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.


The Magistrate Judge's Report and Recommendation (Doc. No. 36) filed on November 13, 2008, recommended that the Motion for Summary Judgment filed by Defendants be granted. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrate Judges, that they had ten (10) days to file any objections. No objections have been filed. After review of the pleadings and the documents in

the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 4<sup>th</sup> day of Dec, 2008;

**IT IS HEREBY ORDERED** that Defendants' Motion for Summary Judgment is granted.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 36) of Magistrate Judge Lenihan, dated November 13, 2008, is adopted as the Opinion of the Court.

  
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Gary L. Lancaster  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

All counsel of record